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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,214	01/14/2002	Richard Knight	3004-1001-1	6187

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EXAMINER

HUSAR, STEPHEN F

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/043,214

Applicant(s)

KNIGHT, RICHARD

Examiner

Stephen F. Husar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/4/03 & 07/21/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16, 18-21, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 17, 22 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-16, 18-21, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by BAILEY et al. (5,752,766). With regard to claims 11 and 20, Bailey et al. shows in Fig.2 automated lighting having a source of light formed by a plurality of light emitting diodes "22" that are pivotably mounted on a support member "20" so that the LEDs are adjustable to change at least one of an angle and a shape of a light beam produced by the LEDs when flexible support member "20" is actuated by linear servo motor "28" to change from a flat planar configuration to a arcuate concave shape as shown by the dotted lines. This change of shape in the flexible support member "20" causes the LEDs to pivot with respect to each other and support housing "18" so that the light beam changes from a broad parallel beam to a narrower focused beam, see col.3, lines 1-16. Re claims 12, 19, and 23, note that the LEDs are red, green and blue which form white light when all are turned on simultaneously, see col. 4, lines 9-27. Re claims 13, 14, 15, 18, and 21, note that Fig.2 shows a planar configuration of support member "20" movable to an arcuate non-planar configuration shown by dotted lines by means of a linear servo motor "28". Re claims 16 and 25, note that as shown in Fig.2 the LEDs at the upper half of support member "20" would form right angles to the LEDs

at the lower half of support member "20" when the support member "20" is in its dotted position of an arcuate concave surface.

***Allowable Subject Matter***

3. Claims 17,22, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 7/21/03 and 6/4/03 have been fully considered but they are not persuasive. Applicant argues that the change in shape and the angle of the light beam brought about by the conjoint pivotable mounting of the LEDs is not shown in Bailey et al. This argument is not persuasive for several reasons. First, only claim 11 recites a similar limitation. It is considered similar because applicant uses the language, "at least one of an angle and shape..." which is interpreted as a change of angle or shape or both angle and shape. Bailey et al. clearly discloses in col.3, lines 1-16, that the beam focuses which clearly requires a change in the shape of the beam and the support member "20" deflects into a parabolic shape which means a change of angle for the individual LEDs with respect to each other. It is noted that claim 20 does not recite the shape or angle limitation but merely requires that each LED be pivotably mounted on the support. Applicant argues that since the LEDs are encapsulated as set forth in col.4, lines 36-39 in the support they cannot be individually pivotably mounted. However, in the same col.4 in lines 28-33 Bailey et al. discloses that the LEDs are embedded or otherwise supported on the flexible base member "20". Since applicant


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has not set forth the specific pivot structure except in the claims which the examiner has indicated as allowable the flexible base member "20" of Bailey et al. provides a pivotal function which allows the individual LEDs to change their respective beam angles to one another to provide a broad beam in a planar configuration and a narrow focused beam when pivoted to an arcuate concave configuration. It is for these above noted reasons that applicant's arguments with respect to claims 11-16,18-21,23, and 25 are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Husar whose telephone number is 703-308-1932. The examiner can normally be reached on Monday-Friday from 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Stephen F. Husar  
Primary Examiner  
Art Unit 2875

SFH